

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Thomas C. Gordon,

Plaintiff,

-V-

**Case No. 2:04-cv-1000
JUDGE SMITH
Magistrate Judge Kemp**

**UNITS, The Ohio State University,
et al.,**

Defendants.

ORDER

Plaintiff, who is proceeding pro se, filed a “motion to withdrawal complaint” on June 1, 2005 (Doc. 20). The Court construes plaintiff’s motion as one for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(i). The remaining defendant in this case, UNITS, The Ohio State University (“UNITS OSU”), has filed a motion to dismiss for failure of timely service (Doc. 18), but has not filed either an answer or a motion for summary judgment. Hence, dismissal without prejudice is appropriate. Fed. R. Civ. P. 41(a)(1)(i).

The Court GRANTS plaintiff’s motion to dismiss his

remaining claims without prejudice. This ruling renders UNITS OSU's motion to dismiss moot.

The Clerk shall remove this case from the Court's pending cases list.

The Clerk shall remove Doc. 18 and Doc. 20 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT